

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES, *et al.*,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

No: 1:23-cv-00108-LMB-JFA

DEFENDANT GOOGLE LLC'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND TESTIMONY WRONGLY WITHHELD AS PRIVILEGED

Pursuant to Federal Rule of Civil Procedure 37 and Local Civil Rule 37(A), Defendant, Google LLC (“Google”), moves the Court to enter an order compelling Plaintiff United States to produce documents and testimony wrongly withheld as privileged. The documents and testimony are responsive to Google’s Request for Production No. 5, served on March 27, 2023. In the alternative, Google seeks *in camera* review by the Court of a sample of the documents listed in Exhibit 4 (Plaintiff’s privilege log) to assess Plaintiff’s privilege claims. Google further seeks an order to modify Section V.8.e. of the ESI Order to require Plaintiff to log communications between ATR and FAA counsel that predate January 24, 2023, and are responsive to Google’s Fifth Request for Production or were part of the DOJ’s Investigative File. The grounds and reasons for granting this motion are stated with particularity in the accompanying memorandum of law and attached exhibits. A proposed order is submitted herewith.

CERTIFICATE: Undersigned counsel certifies that a good faith effort to narrow or eliminate the dispute was undertaken prior to the filing of this motion.

Dated: August 18, 2023

Respectfully submitted,

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